General Information Concerning

TRADEMARKS

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A brief introduction to Trademark matters including:

- definition and functions of Trademarks
- what applicants must do
- forms for Trademark cases

Copyrights

Some persons occasionally confuse patents, copyrights, and trademarks. Although there may be some resemblance in the rights of these three kinds of intangible property, they are completely different and serve different purposes.

Copyright protects the writings of an author against copying. Literary, dramatic, musical and artistic works are included within the protection of the copyright law, which in some instances also confers performing and recording rights. The copyright goes to the form of expression rather than to the subject matter of the writing. A description of a machine could be copyrighted as a writing, but this would only prevent others from copying the description—it would not prevent others from writing a description of their own or from making and using the machine. Copyrights are registered in the Copyright Office in the Library of Congress and the Patent Office has nothing whatever to do with copyrights. **Information concerning copyrights may be obtained by addressing: Register of Copyrights, Library of Congress, Washington, D.C. 20540.**

General Information Concerning

TRADEMARKS

For further information see

TRADEMARK RULES OF PRACTICE

U.S. DEPARTMENT OF COMMERCE
Maurice H. Stans
Secretary

PATENT OFFICE
William E. Schuyler, Jr.
Commissioner

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Trademark Statutes and Rules

This pamphlet is intended to serve only as a general guide in regard to trademark matters in the Patent Office.

Applications for registration of trademarks must conform to the requirements of the Trademark Act of 1946, as amended, and the Trademark Rules of Practice. This Act, Public Law 489, Seventy-ninth Congress, Chapter 540, 60 Stat. 427, popularly known as the Lanham Act, and forming Chapter 22, Title 15 of the U.S. Code, became effective July 5, 1947, superseding the Trademark Acts of 1905 and 1920. A copy of the *Trademark Rules of Practice With Forms and Statutes* can be obtained from the Superintendent of Documents, Washington, D.C., 20402, for 45¢.

Definition and Functions of Trademarks

Definition of Trademarks. A "trademark," as defined in section 45 of the 1946 Act, "includes any word, name, symbol, or device, or any combination thereof adopted and used by a manufacturer or merchant to identify his goods and distinguish them from those manufactured or sold by others."

Function of Trademarks. The primary function of a trademark is to indicate origin. However, trademarks also serve to guarantee the quality of the goods bearing the mark and, through advertising, serve to create and maintain a demand for the product. Rights in a trademark are acquired only by use and the use must ordinarily continue if the rights so acquired are to be preserved. Registration of a trademark in the Patent Office does not in itself create or establish any exclusive rights, but is recognition by the Government of the right of the owner to use the mark in commerce to distinguish his goods from those of others.

Mark Must Be Used in Commerce. In order to be eligible for registration, a mark must be in use in commerce which may lawfully be regulated by Congress, for example, interstate commerce, at the time the application is filed. "Use in commerce" is defined in section 45 as follows:

For the purposes of this Act a mark shall be deemed to be used in commerce (a) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto and

the goods are sold or transported in commerce and (b) on services when it is used or displayed in the sale or advertising of services and the services are rendered in commerce, or the services are rendered in more than one State or in this and a foreign country and the person rendering the services is engaged in commerce in connection therewith.

Trade and Commercial Names. Trademarks differ from trade and commercial names which are used by manufacturers, industrialists, merchants, agriculturists, and others to identify their businesses, vocations or occupations, or the names or titles lawfully adopted by persons, firms, associations, companies, unions and other organizations. The latter are not subject to registration unless actually used as trademarks.

Registration of Trademarks

Marks Not Subject to Registration. A trademark cannot be registered if it—

(a) Consists of or comprises immoral, deceptive, or scandalous matter or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt or disrepute.

(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof.

(c) Consists of or comprises a name, portrait, or signature identifying a particular living individual except by his written consent, or the name, signature, or portrait of a deceased President of the United States during the life of his widow, if any, except by the written consent of the widow.

(d) Consists of or comprises a mark which so resembles a mark registered in the Patent Office or a mark or trade name previously used in the United States by another and not abandoned, as to be likely when applied to the goods of another person, to cause confusion, or to cause mistake, or to deceive.

Principal and Supplemental Register Marks. The Trademark Act of 1946 provides for the establishment of two registers, designated as the Principal Register and the Supplemental Register. Coined, arbitrary, fanciful, or suggestive marks, generally referred to as "technical marks," may, if otherwise qualified, be registered on the Principal Register. Marks not qualified for registration on the latter register but which, nevertheless, are capable of distinguishing applicant's goods and have been in lawful use in commerce for at least one year, may be registered on the Supplemental Register.

Registrable Marks—Principal Register. A trademark, if otherwise eligible, may be registered on the Principal Register unless it

consists of a mark which, (1) when applied to the goods of the applicant is merely descriptive or deceptively misdescriptive of them, or (2) when applied to the goods of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, except as indications of regional origin, or (3) is primarily merely a surname.

Such marks, however, may be registered on the Principal Register, provided they have become distinctive as applied to the applicant's goods in commerce. The Commissioner may accept as prima facie evidence that the mark has become distinctive as applied to applicant's goods in commerce, proof of substantially exclusive and continuous use thereof as a mark by the applicant in commerce for the 5 years next preceding the date of filing of the application for registration.

Registrable Marks—Supplemental Register. All marks capable of distinguishing applicant's goods and not registrable on the Principal Register, which have been in lawful use in commerce for the year preceding the filing of the application for registration, may be registered on the Supplemental Register. For the purpose of registration on the Supplemental Register a mark may consist of any trademark, symbol, label, package, configuration of goods, name, word, slogan, phrase, surname, geographical name, numeral, or device, or any combination of any of the foregoing.

Application for Registration

The application for registration must be filed in the name of the owner of the mark. The owner may file and prosecute his own application for registration, or he may be represented by an attorney or other person authorized to practice in trademark cases. The Patent Office cannot aid in the selection of an attorney or agent. Application forms for corporations, individuals, and firms are available from the Patent Office upon request.

Parts Comprising Complete Application. A complete application comprises:

(a) A written application (see pp. 4 to 7; for suggested forms, see pp. 18 to 24);

(b) A drawing of the mark (see p. 7);

(c) Five specimens or facsimiles (see p. 8);

(d) The required filing fee (see p. 16).

Foreign Applicant. In addition to the above requirements, if the applicant is not domiciled in the United States he must designate by a written document filed in the Patent Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark and to whom all official communications will be addressed unless the applicant is

represented by an attorney or other recognized person. If this/document does not accompany or form part of the application, it will be required and registration refused unless it is supplied.

A foreign applicant using a mark in commerce which may lawfully be regulated by Congress may apply for registration in the same manner as residents of the United States.

If the mark is not being used in commerce with the United States, the application may be based upon a registration which the applicant has previously secured in his country of origin, and which is in full force and effect. The application, however, must be accompanied by a certification or a certificate of the trademark office of the foreign country showing that the mark has been registered in that country. The U.S. application may also be based upon an application for registration filed in the applicant's country of origin not more than six months prior to the filing date of the application in this country, but registration will not be granted until the application filed in the country of origin has matured into a registration. In either case the application must conform to the same requirements as for other applications except that use in commerce which may lawfully be regulated by Congress need not be alleged and the dates of first use need not be given.

Compliance With Other Laws. When the sale or transportation of any product for which registration of a trademark is sought is regulated under an Act of Congress, the Office may, before allowance, make appropriate inquiry as to compliance with such act for the sole purpose of determining lawfulness of the commerce recited in the application.

THE WRITTEN APPLICATION

The written application must be in the English language and plainly written on but one side of the paper. Legal size paper, typewritten double spaced, with at least a 1½-inch margin on the left-hand side and top of the pages is deemed preferable.

Requirements for Application. The application shall include a request for registration and must specify:

(i) The name of the applicant;

(ii) The citizenship of the applicant; if the applicant is a partnership, the names and citizenship of the general partners or, if the applicant is a corporation or association, the state or nation under the laws of which organized;

(iii) The domicile and post office address of the applicant;

(iv) That the applicant has adopted and is using the mark shown in the accompanying drawing;

(v) The particular goods on or in connection with which the mark is used;

(vi) The class of merchandise according to the official classification if known to the applicant. The official classification of goods and

services appears on page 6;

(vii) The date of applicant's first use of the mark as a trademark on or in connection with goods specified in the application;

(viii) The date of applicant's first use of the mark as a trademark on or in connection with goods specified in the application in commerce which may lawfully be regulated by Congress, specifying the nature of such commerce;

(ix) The mode or manner in which the mark is used on or in connection with the particular goods specified.

If more than one item of goods is specified in the application, the dates of use required in paragraphs (vii) and (viii) of this section need be for only one of the items specified, provided the particular item to which the dates apply is designated. In combined applications, dates of use for each class are required.

The word "commerce" as used throughout this pamphlet means commerce which lawfully may be regulated by Congress as specified in section 45 of the Trademark Act. The application must also include averments to the effect that the applicant or other person making the verification believes himself or the firm, corporation, or association in whose behalf he makes the verification, to be the owner of the mark sought to be registered; that the mark is in use in commerce specifying the nature of such commerce; that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use such mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; that the specimens or facsimiles show the mark as actually used in connection with the goods; and that the facts set forth in the application are true.

Signature and Verification. The application must be signed and verified (sworn to) or include a declaration by the applicant or by a member of the firm or an officer of the corporation or association applying.

Principal Register. All applications will be treated as requesting registration on the Principal Register unless otherwise stated in the application.

Supplemental Register. An application for registration on the Supplemental Register shall so indicate and shall specify that the mark has been in continuous use in commerce, specifying the nature of such commerce, by the applicant for the preceding year, if the application is based on such use.

Classification. An application in which a single fee is submitted must be limited to the goods or to the services comprised in a single class. An application may be filed to register the same mark on goods and services falling within a plurality of classes but a fee equaling the sum of the fees for filing an application in each class is required.

The following classification of goods and services has been established for convenience of administration. This classification does not limit or extend the applicant's rights.

GOODS

Class	Title
1.	Raw or partly prepared materials.
2.	Receptacles.
3.	Baggage, animal equipments, portfolios, and pocketbooks.
4.	Abrasives and polishing materials.
5.	Adhesives.
6.	Chemicals and chemical compositions.
7.	Cordage.
8.	Smokers' articles, not including tobacco products.
9.	Explosives, firearms, equipments, and projectiles.
10.	Fertilizers.
11.	Inks and inking materials.
12.	Construction materials.
13.	Hardware and plumbing and steamfitting supplies.
14.	Metals and metal castings and forgings.
15.	Oils and greases.
16.	Protective and decorative coatings.
17.	Tobacco products.
18.	Medicines and pharmaceutical preparations.
19.	Vehicles.
20.	Linoleum and oiled cloth.
21.	Electrical apparatus, machines, and supplies.
22.	Games, toys, and sporting goods.
23.	Cutlery, machinery, and tools, and parts thereof.
24.	Laundry appliances and machines.
25.	Locks and safes.
26.	Measuring and scientific appliances.
27.	Horological instruments.
28.	Jewelry and precious-metal ware.
29.	Brooms, brushes, and dusters.
30.	Crockery, earthenware, and porcelain.
31.	Filters and refrigerators.
32.	Furniture and upholstery.
33.	Glassware.
34.	Heating, lighting, and ventilating apparatus.
35.	Belting, hose, machinery packing, and nonmetallic tires.
36.	Musical instruments and supplies.
37.	Paper and stationery.
38.	Prints and publications.
39.	Clothing.
40.	Fancy goods, furnishings, and notions.
41.	Canes, parasols, and umbrellas.
42.	Knitted, netted, and textile fabrics, and substitutes therefor.
43.	Thread and yarn.
44.	Dental, medical, and surgical appliances.
45.	Soft drinks and carbonated waters.
46.	Foods and ingredients of foods.
47.	Wines.
48.	Malt beverages and liquors.
49.	Distilled alcoholic liquors.
50.	Merchandise not otherwise classified.
51.	Cosmetics and toilet preparations.
52.	Detergents and soaps.

SERVICES

100.	Miscellaneous.
101.	Advertising and business.
102.	Insurance and financial.
103.	Construction and repair.
104.	Communication.
105.	Transportation and storage.
106.	Material treatment.
107.	Education and entertainment.

COLLECTIVE MEMBERSHIP

200.	Collective membership.

Schedule for Certification Marks. In the case of certification marks, all goods and services are classified in two classes as follows:

A. Goods.

B. Services.

Use by Related Company. If the mark sought to be registered is not in fact being used by the applicant but is being used by one or

more related companies whose use inures to the benefit of the applicant under section 5 of the Trademark Act, such facts must be indicated in the application.

Forms for Written Application. The Patent Office will supply printed forms for the filing of trademark applications by (1) an individual, (2) a firm, or (3) a corporation or association.

DRAWING

The drawing must be a substantially exact representation of the mark as actually used in connection with the goods or services. The drawing of a service mark may be dispensed with if the mark is not capable of representation by a drawing, but in such case the written application must contain an adequate description of the mark.

If the application is for registration only of a word, letter or numeral, or any combination thereof, not depicted in special form, the drawing may be the mark typed in capital letters on paper, otherwise complying with the requirements.

Paper and Ink. The drawing must be made upon pure white durable paper, the surface of which must be calendered and smooth. A good grade of bond paper is suitable. India ink alone must be used for pen drawings to secure perfectly black solid lines. The use of white pigment to cover lines is not acceptable.

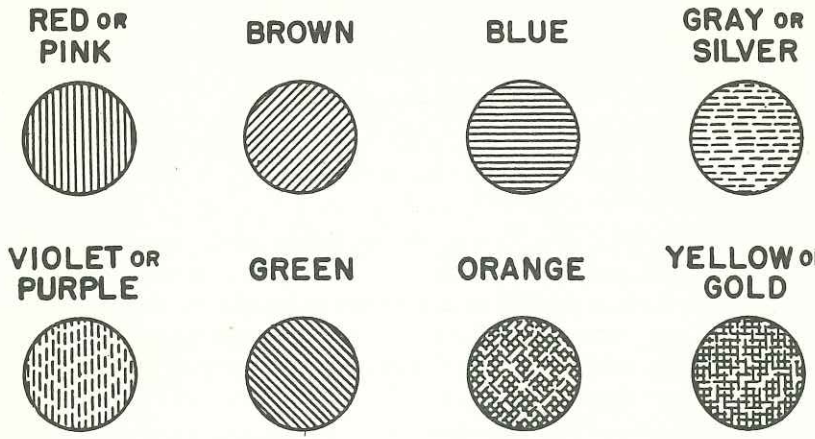
Size of Sheets and Margins. The size of the sheet on which a drawing is made must be 8 inches wide and 11 to 13 inches long. One of the shorter sides of the sheet should be regarded as its top. When the figure is longer than the width of the sheet, the sheet should be turned on its side with the top at the right. The size of the mark must be such as to leave a margin of at least one inch on the sides and bottom of the paper and at least one inch between it and the heading.

Heading. Across the top of the drawing, beginning one inch from the top edge and not exceeding one-fourth of the sheet, there should be placed a heading, listing in separate lines, applicant's name, applicant's post office address, the dates of first use, and the goods or services recited in the application (or typical items of the goods or services if a number are recited in the application). This heading may be typewritten.

Character of Lines. All drawings, except as otherwise provided, must be made with the pen or by a process which will give them satisfactory reproduction characteristics. Every line and letter, names included, must be black. This direction applies to all lines, however fine, and to shading. All lines must be clean, sharp, and solid, and they must not be too fine or crowded. Surface shading, when used, should be open. A photolithographic reproduction or printer's proof copy may be used if otherwise suitable.

Extraneous Matter. Extraneous matter must not appear upon the face of the drawing within or without the margin.

Linings for Color. Where color is a feature of a mark, the color or colors employed may be designated in the drawing by means of conventional linings as shown in the following color chart.



Transmission of Drawings. Drawings transmitted to the Patent Office, other than typed drawings, should be sent flat, protected by a sheet of heavy binder's board, or should be rolled for transmission in a suitable mailing tube.

Informal Drawings. A drawing not in conformity with the foregoing requirements may be accepted for purpose of examination, but the drawing must be corrected or a new one furnished, as required, before the mark can be published or the application allowed. The necessary corrections will be made by the Patent Office upon applicant's request and at his expense. Substitute drawings will not be accepted unless they have been required by the Examiner or correction of the original drawing would require that the mark be substantially entirely redrawn.

Patent Office May Make Drawings. The Patent Office, at the request of applicants and at their expense, will make drawings if facilities permit.

SPECIMENS

Trademark Specimens. A trademark may be placed in any manner on the goods, or their containers or displays associated therewith, or on tags or labels attached to the goods. The five specimens shall be duplicates of the actually used labels, tags, containers, or displays or portions thereof, when made of suitable material and capable of being arranged flat and of a size not larger than the size of the drawing. Third-dimensional material submitted as specimens cannot be accepted, and the submission of such material may result in a delay in receiving a filing date.

Trademark Facsimiles. When, due to the mode of applying or affixing the mark to the goods, or to the manner of using the mark on the goods, or to the nature of the mark, specimens as above stated cannot be furnished, five copies of a suitable photograph or other acceptable reproduction, not larger than the size specified for the drawing and clearly and legibly showing the mark and all matter used in connection therewith, shall be furnished

Service Mark Specimens or Facsimiles. In the case of a service mark, specimens or facsimiles of the mark as used in the sale or advertising of the services must be furnished unless impossible from the nature of the mark or the manner in which it is used, in which event some other representation acceptable to the Commissioner must be submitted.

In the case of service marks not used in printed or written form, three single face, unbreakable, disc recordings will be accepted. The speed at which the recordings are to be played must be specified thereon. If facilities are not available to the applicant to furnish recordings of the required type, the Patent Office may arrange to have made, upon request and at applicant's expense, the necessary disc recordings from any type of recording the applicant submits.

Examination of Applications

Order of Examination. Applications will be docketed and examined in the order in which they are received. In the event it is found that the mark is not entitled to registration for any reason, the applicant will be notified and advised of the reasons therefor and of any formal requirements or objections.

Period for Response. The applicant has 6 months from the date of mailing of any action by the Patent Office to respond thereto. Failure to respond within this period will result in abandonment of the application. Response may be made with or without amendment and must include such proper action by the applicant as the nature of the action and the condition of the case may require.

Reexamination or Reconsideration. After response by the applicant, the application will be reexamined or reconsidered. If on further examination or consideration, registration is refused, appeal may be taken to the Trademark Trial and Appeal Board.

Principal Register Marks Subject to Opposition. If, on examination or reexamination of an application for registration on the Principal Register, it appears that the applicant is entitled to have his mark registered, it will be published in the Official Gazette and will be subject to opposition. Any person who believes he would be damaged by the registration of a mark on the Principal Register may

oppose the same within 30 days after publication. Oppositions are transmitted to the Trademark Trial and Appeal Board and are governed by the rules applicable to adversary proceedings.

Interference. If conflict is found between two copending Principal Register applications and the date of the first use alleged in the application last filed is at least as early as the filing date of the conflicting application, an interference will be instituted to determine which applicant is entitled to register.

An interference will not be declared between an application and a registration issued prior to the filing date of the application except upon specific authorization of the Commissioner, obtained upon petition by the applicant.

Registrations or applications to register on the Supplemental Register, registrations under the 1920 Act, and registrations of marks the right to the use of which has become incontestable are not subject to interference.

Allowance of Principal Register Marks. If no notice of opposition is filed and no conflict found with other pending applications or registrations, the certificate of registration will issue in due course of business.

Allowance of Supplemental Register Marks. A Supplemental Register mark, upon being found allowable, will be passed to registration, and the mark published in the Official Gazette when registered.

Service, Certification, and Collective Marks

The Trademark Act of 1946 also provides for the registration of service marks, certification marks, and collective marks.

Service Marks. The term "service mark" means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others. Titles, character names and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor.

Certification Marks. The term "certification mark" means a mark used upon or in connection with the products or services of one or more persons other than the owner of the mark to certify regional or other origin, material, mode of manufacture, quality, accuracy or other characteristics of such goods or services or that the work or labor on the goods or services was performed by members of a union or other organization.

Collective Marks. The term "collective mark" means a trademark or service mark used by the members of a cooperative, an association, or other collective group or organization. Marks used to indicate membership in a union, an association, or other organization may be registered as Collective Membership Marks.

Registered Marks

Constructive Notice and Evidence of Ownership. Registration of a mark on the Principal Register of the 1946 Act, or under the Acts of 1881 or 1905, is constructive notice of the registrant's claim of ownership thereof, and prima facie evidence of the validity of the registration, registrant's ownership of the mark, and of registrant's exclusive right to use the mark in commerce in connection with the goods or services specified in the certificate, subject to any conditions and limitations stated therein. Such registrations give the right to sue in the United States courts and to prevent importation of goods bearing an infringing mark.

Registration on the Supplemental Register of the 1946 Act or under the Act of 1920 does not constitute constructive notice or prima facie evidence and does not give the right to prevent importation of goods bearing an infringing mark, but does give the right to sue in the United States courts.

Notice of Registration. A registrant should give notice that his mark is registered by displaying with the mark as used the words "Registered in U. S. Patent Office," or "Reg. U. S. Pat. Off.," or the letter R enclosed within a circle, thus ®. Use of such notice before the actual issuance of a certificate of registration for the mark is improper and may be the basis for refusal of registration.

PUBLICATION OF 1881 AND 1905 ACT REGISTRATIONS CLAIMING BENEFITS OF 1946 ACT (Sec. 12c)

Publication Requirements. A registrant of a mark registered under the provisions of the Acts of 1881 or 1905, who desires to secure the full benefits of the provisions of the Act of 1946, may at any time prior to the expiration of the period for which the registration was issued or renewed, upon the payment of the prescribed fee, file an affidavit or declaration setting forth those goods stated in the registration on which said mark is in use in commerce, specifying the nature of such commerce, and stating that the registrant claims the benefits of the Trademark Act of 1946. Publication of a mark under the provisions of section 12 (c) does not extend the original term of the registration, and application for renewal must be made within the time specified in the statute. See Renewal (p. 13).

Publication Affidavit or Declaration. A suggested form for preparing an affidavit or declaration requesting publication of a mark registered under the Acts of 1881 or 1905 appears on page 25.

AFFIDAVIT OR DECLARATION OF USE (Sec. 8)

Cancellation for Failure to File Affidavit or Declaration During Sixth Year. Any registration issued under the provisions of the Act of 1946 and any 1881 or 1905 Act registration published to secure the full benefits of the 1946 Act, as described on page 11, will be canceled at the end of 6 years following the date of registration or the date of publication unless within 1 year next preceding the expiration of such 6 years the registrant files in the Patent Office an affidavit or declaration showing that said mark is still in use, or showing that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

A notice of this requirement is attached to registration certificates issued under the provisions of the 1946 Act and is included in the notices of publication under section 12 (c).

The affidavit or declaration is not required in the case of 1881 and 1905 Act registrations which have not been published under section 12 (c), or 1920 Act registrations, even though such registrations have been renewed under the provisions of section 9. Such affidavits may be returned.

Requirements for Affidavit or Declaration. The affidavit or declaration must:

(1) Be executed by the registrant after expiration of the 5-year period following the date of registration or publication under section 12 (c);

(2) Identify the certificate of registration by the registration number and date of registration; and

(3) State that the registered mark is still in use, specifying the nature of such use, and submit a specimen, facsimile or other evidence showing the mark as currently used, or recite sufficient facts to show that nonuse of the mark is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

AFFIDAVIT OR DECLARATION FOR INCONTESTABILITY (Sec. 15)

Incontestability Under Certain Conditions of Right to Use Mark. Under certain conditions, a mark registered on the Principal Register or a mark registered under the Acts of 1881 or 1905, and published under section 12 (c), may acquire an incontestable status, upon filing an affidavit or declaration conforming to the requirements indicated in the following paragraph. Marks which have acquired such status

will not be subject to interference proceedings. Such marks, however, may be canceled upon certain grounds specified by section 14 of the 1946 Act.

Requirements for Affidavit or Declaration for Incontestability. The affidavit or declaration provided by section 15 of the Act for acquiring incontestability for a mark registered on the Principal Register or a mark registered under the Act of 1881 or 1905 and published under section 12 (c) of the Act must:

(a) Be signed by the registrant;

(b) Identify the certificate of registration by the certificate number and date of registration;

(c) Recite the goods or services stated in the registration on or in connection with which the mark has been in continuous use in commerce for a period of 5 years subsequent to the date of registration or date of publication under section 12 (c) of the Act, and is still in use in commerce specifying the nature of such commerce;

(d) Specify that there has been no final decision adverse to registrant's claim of ownership for such mark for such goods or services, or to registrant's right to register the same or to keep the same on the register;

(e) Specify that there is no proceeding involving said rights pending in the Patent Office or in a court and not finally disposed of;

(f) Be filed within 1 year after the expiration of any such 5-year period.

RENEWAL

Term of Registrations. Registrations issued under the Act of 1946 remain in force for 20 years from the date of registration and may be renewed for periods of 20 years from the expiring period unless previously cancelled or surrendered.

Renewal Requirements. A registration may be renewed provided the mark is in use in commerce at the time the application for renewal is filed. However, if the mark is not in use in commerce, the registration will be eligible for renewal provided the nonuse is due to special circumstances which excuse the nonuse and not due to any intention to abandon the mark. Registrations issued under the Acts of 1881 and 1905 remain in force for their unexpired terms and may be renewed in the same manner as registrations under the Act of 1946.

Renewal of Registrations Issued Under Act of 1920. Registrations under the Act of 1920 which were issued on or before January 5, 1928, expired on January 5, 1948, and such registrations issued after January 5, 1928, expire 20 years from the date of issue. Such registrations cannot be renewed unless renewal is required to support a foreign registration and in such case may be renewed on the Supplemental Register in the same manner as registrations under the Act of 1946.

Requirements of Application for Renewal. (a) The application for renewal must include a statement which is verified or which includes a declaration by the registrant setting forth the goods or services recited in the registration on or in connection with which the mark is still in use in commerce, specifying the nature of such commerce. This statement must be executed not more than 6 months before the expiration of the registration and be accompanied by:

(1) A specimen or facsimile showing current use of the mark.

(2) The required fee, including the additional fee required in the case of a delayed application for renewal.

(b) The statement which is verified or supported by a declaration specimen or facsimile and the fee must be filed within the period prescribed for applying for renewal. If defective or insufficient, they cannot be completed after the period for applying for renewal has passed; if completed after the initial 6-month period has expired but before the expiration of the 3-month delay period, the application can be considered only as a delayed application for renewal.

(c) If the mark is not in use in commerce at the time of filing of the verified statement, sufficient facts must be recited to show that nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

The application for renewal must also include:

(1) If the applicant is not domiciled in the United States, the designation of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark.

(2) If the mark is registered under the Act of 1920, a showing which is verified or which includes a declaration by the applicant that renewal is required to support a foreign registration.

Form for Renewal Application. A suggested form for an application for renewal appears on page 25.

CORRECTION, DISCLAIMER, SURRENDER, ETC.

Provision is made in section 7 of the 1946 Act for the issuance, in case of a change of ownership of a registered mark, of a new certificate in the name of the assignee for the unexpired part of the original period; for the surrender of registrations, and for the amendment of registrations and disclaimer of registered marks, providing such amendment or disclaimer does not involve such changes as to alter materially the character of the mark. Mistakes in registrations incurred through the fault of the Office, or in good faith through fault of the applicant, may be corrected.

Request for such action must comply with rules 2.171–2.176 of the Rules of Practice in Trademark Cases. Except in the case of correction of an Office mistake, the request must be accompanied by the required fees. (See p. 16.)

Cancellation. After a mark has been registered, any person who believes that he is or will be damaged by the registration may, upon payment of the required fee (see p. 16) and compliance with the provisions of the statute and rules, apply to the Commissioner of Patents to cancel the registration.

Assignment of Marks. A registered mark or a mark for which application to register has been filed may be assigned with the good will of the business or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignments must be by instruments in writing duly executed. Acknowledgment is prima facie evidence of the execution of an assignment and when recorded in the Patent Office the record is prima facie evidence of execution.

Registration in Foreign Countries

Owners of trademarks having business or prospective business in foreign countries who desire to protect their marks in such foreign countries should ascertain the nature of the trademark laws in those countries in order that they may take proper steps in time to protect their rights.

In many foreign countries a resident there may obtain a registration of a trademark without having actually used it in trade, and such a registration may be used to prevent the importation into that country of goods bearing the mark.

To effect registration in many foreign countries, it is essential that registration be effective in the United States. Having secured registration domestically the owner frequently may secure registration in foreign countries before actually using the mark there. Duration of certificates of registration in foreign countries varies in accordance with the domestic laws of such countries.

General Information

Correspondence With the Patent Office. All letters should be addressed to "The Commissioner of Patents, Washington, D.C., 20231." When appropriate, a letter may be marked for the attention of a particular officer or individual.

Letters of Inquiry. A separate letter should, in every instance, be written in relation to each distinct subject of inquiry.

The Patent Office cannot undertake to respond to inquiries whether certain trademarks have been registered, or, if so, to whom, or for what goods; nor can it give legal advice as to the registrability of a specified mark or the nature and extent of protection afforded by the law, except as questions may arise in connection with pending appli-

cations. Information of a general nature may be furnished either by answering the inquiry or by providing or calling attention to an appropriate publication.

Identification of Pending Applications and Registrations. A letter relating to a pending application should identify it by the name of the applicant and serial number and filing date of the application. A letter relating to a registered trademark should identify it by the name of the registrant and by the number and date of the certificate.

Business Must Be Conducted With Decorum and Courtesy. Applicants and their representatives will be required to conduct their business with the Patent Office with decorum and courtesy. Papers presented in violation of this requirement will be submitted to the Commissioner and will be returned by his direct order.

Fees and Payment of Money. The following is a partial schedule of fees and charges to be paid to the Patent Office in connection with trademark matters. A complete schedule appears in the Rules of Practice in Trademark Cases.

(1)	Application to register in each class	$35.00
(2)	Renewal application in each class	25.00
(3)	Renewal application filed after date of expiration, in each class an additional	5.00
(4)	Notice of claim of benefits for a registration under prior act (sec. 12 [c])	10.00
(5)	Appeal to Trademark Trial and Appeal Board from refusal of registration by an Examiner in each class	25.00
(6)	Opposition or cancellation filing fee in each class	25.00
(7)	Amendment of registration, correction of applicant's mistake, disclaimer, or new certificate in name of assignee (sec. 7)	15.00
(8)	Copy of registration as issued	.20
(9)	Status copy of registration with data as to renewal, cancellation, 12 (c) publication, and affidavits under sections 8 and 15	.60
(10)	Certification of any paper	1.00
(11)	Photocopies or other reproduction of records, drawings, or printed material, per page of material copied	.30
(12)	Drawings may be made when facilities are available at actual cost with minimum charge of	10.00
(13)	Drawings will be corrected at actual cost with minimum charge of	3.00
(14)	For recording every assignment, agreement, or other paper relating to the property in a registration or application	20.00
(15)	For each additional item (where the document relates to more than one application or registration)	3.00

Method of Payment. All payments of money for Patent Office fees should be made in United States specie, Treasury notes, national bank notes, post office money orders, or certified checks. If sent in any other form, the Office may delay or cancel the credit until collection is made. Money orders and certified checks must be made payable to the Commissioner of Patents. Remittances made from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money sent by mail to Patent

Office will be at the risk of the sender; letters containing money should be registered.

Refunds. Money paid by actual mistake or in excess, such as a payment not required by law, will be refunded, but a mere change of purpose after payment of money, as when a party desires to withdraw his application for the registration of a mark or to withdraw an appeal, will not entitle a party to demand such a return. Amounts of 10 cents or less will not be returned unless specifically demanded, nor will the payer be notified of such amount; amounts over 10 cents but less than $1 may be returned in postage stamps, and other amounts by check.

RECORDS AND PUBLICATIONS OF THE PATENT OFFICE

Digest of Registered Marks. A digest of registered marks is maintained in the Search Room of Trademark Operations and is open to the public. This digest comprises a set of the registered word marks arranged alphabetically and a set of registrations comprising symbols, birds, animals, etc., arranged according to the classification of the goods or services with which they are used. It is advisable to search this digest before adopting a trademark so as to avoid possible conflict with previously registered marks. The Office has a card index of articles of commerce indicating their classification in the various classes of goods which have been established under the law. (See p. 6.)

Printed Copies of Registrations. Printed copies of registrations will be furnished by the Patent Office upon payment of the fee therefor. These copies may be merely copies of the registration as issued or status copy showing all effective actions taken on the registrations, including renewal affidavits, publication under section 12 (c), cancellation, etc.

Registration Files. After a mark has been registered or published for opposition, the file of the application and all proceedings relating thereto are available for public inspection and copies of the papers may be furnished upon paying the fee therefor.

Pending Applications. A digest of pending applications with a reproduction of the mark, the name and address of the applicant, the goods or services with which the mark is used, the dates of first use, and the serial number of the application is maintained for public inspection. Access to the file of a particular pending trademark application will be permitted prior to publication upon the showing in writing of good cause for such access. Decisions of the Trademark Trial and Appeal Board in applications and proceedings relating thereto are published or available for inspection or publication.

Assignment Records. The assignment records of the Patent Office are open to public inspection and copies of any recorded assignment may be obtained upon payment of the fee therefor. An order for a

copy of an assignment should give the liber (book) and page or the reel and frame of the record.

Official Gazette. The Official Gazette of the Patent Office is published weekly and contains in addition to material relating to patents, information relating to trademarks, including marks published for opposition, marks registered, amended, cancelled and renewed, and marks published under section 12 (c) of the 1946 Act.

Single copies and subscriptions of the Official Gazette are sold by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402. The trademark material is reprinted separately as the trademark section and may be purchased or subscribed to separately.

Annual Trademark Index. An annual index of registrants of trademarks is published and sold by the Superintendent of Documents.

Forms For Trademark Cases

The following forms illustrate the manner of preparing the written applications for the registration of marks, and various papers in trademark cases, to be filed in the Patent Office. These forms should be followed in cases to which they are applicable. In special situations, such alterations as circumstances require may be made provided they do not depart from the requirements of the rules or the statute. The Patent Office will supply printed forms for the filing of trademark applications by (1) an individual, (2) a firm, or (3) a corporation or association.

The Forms are identified by the rule numbers appearing in the Rules of Practice in Trademark Cases.

4.1 Trademark application by an individual; Principal Register with oath.

Mark _____
(Identify the mark)

Class No. _____
(If known)

To the COMMISSIONER OF PATENTS:

_____
(Name of applicant and trade style, if any)

_____
(Business address, including street, city and State)

_____
(Residence address, including street, city and State)

_____
(Citizenship of applicant)

The above identified applicant has adopted and is using the trademark shown in the accompanying drawing (1) for _____

_____
(Common, usual or ordinary name of goods)

and requests that said mark be registered in the United States Patent Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on the goods (2) on _____; was
(Date)
first used in _____ commerce (3) on _____
(Type of commerce) (Date)
_____; and is now in use in such commerce (4).

The mark is used by applying it to _____ (5) and five specimens showing the mark as actually used are presented herewith.

State of _____ }
County of _____ } *ss.*

_____, being sworn, states that: he believes himself
(Name of applicant)
to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true.

_____
(Signature of applicant)

Subscribed and sworn to before me this _____ day of _____
_____, 19____.

_____
(Notary Public) (6)

4.1a **Trademark application by an individual; Principal Register with declaration.**

Mark _____
(Identify the mark)

Class No. _____
(If known)

To the COMMISSIONER OF PATENTS:

_____
(Name of applicant and trade style, if any)

_____
(Business address, including street, city and State)

_____
(Residence address, including street, city and State)

_____
(Citizenship of applicant)

The above identified applicant has adopted and is using the trademark shown in the accompanying drawing (1) for_____

_____
(Common, usual or ordinary name of goods)

and requests that said mark be registered in the United States Patent Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on the goods (2) on _____; was
(Date)
first used in _____ commerce (3) on _____;
(Type of commerce) (Date)
and is now in use in such commerce (4).

The mark is used by applying it to _____ (5) and five specimens showing the mark as actually used are presented herewith.

The undersigned applicant _____ declares: That he believes himself to be the owner of the trademark sought to be registered; that to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; that

all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

(Signature of applicant)

(Date)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

(See Forms 4.2 and 4.3) (7)

NOTES: (1) If registration is sought for a word or numeral mark not depicted in any special form, the drawing may be the mark typed in capital letters on letter-size bond paper; otherwise, the drawing shall comply with rule 2.52.

(2) If more than one item of goods is set forth and the dates given apply to only one of the items listed, insert the name of the item to which the dates apply.

(3) Type of commerce should be specified as "interstate," "Territorial," "foreign," or such other specified type of commerce as may be lawfully regulated by Congress. Foreign applicants relying upon use must specify "commerce with the United States."

(4) If the mark is other than a coined, arbitrary or fanciful mark which is claimed to have acquired a secondary meaning, insert whichever of the following paragraphs is applicable:

(a) The mark has become distinctive of applicant's goods as a result of substantially exclusive and continuous use in _____ commerce
(Type of commerce)
for the five years next preceding the date of filing of this application.

(b) The mark has become distinctive of applicant's goods as evidenced by the showing submitted separately.

(5) Insert the manner or method of using the mark with the goods, i. e., "the goods," "the containers for the goods," "displays associated with the goods," "tags or labels affixed to the goods," or such other appropriate method as may be used.

(6) The notary's seal or stamp or other evidence of authority in the jurisdiction of execution must be affixed.

(7) If the applicant is not domiciled in the United States, a domestic representative must be appointed. See Form 4.4.

4.2 Power of attorney accompanying application.

(Applicant hereby appoints _____ (8) _____
(Address)
member of the bar of the State of _____ to prosecute this application to register, to transact all business in the Patent Office in connection therewith, and to receive the certificate of registration.

NOTE: (8) If the name of the law firm is used, the names of the members of the firm and their States of admission to the bar shall be set forth.

4.3 Authorization of agent accompanying application.

Applicant hereby appoints _____ (9) with offices at
_____, Patent Office Registration No. _____ to
(Street, city and State)

prosecute this application to register, to transact all business in connection therewith, and to receive the certificate of registration.

NOTE: (9) Authorization of an agent must be an individual authorization, and names of firms of agents will not be recognized.

4.4 Appointment of domestic representative (10) accompanying application.

_____, whose postal address is _____
(Name of representative) (Street, city and State)
_____, is hereby designated applicant's representative upon whom notices or process in proceedings affecting the mark may be served.

NOTE: (10) The appointment of a domestic representative must be separate from a Power of Attorney or Authorization of Agent.

4.5 Trademark application by a firm; Principal Register.

Mark _____
(Identify the mark)
Class No_____
(If known)

To the COMMISSIONER OF PATENTS:

_____
(Firm name and names of members comprising firm)
_____
(Business address, including street, city and State)
_____
(Domicile of firm)
_____
(Citizenship of members of firm)

(Body of application form is same as Form 4.1)

State of_____}
County of_____} *ss.*

_____, being sworn, states that he is a member of
(Name of member of firm)
the applicant firm; he believes said firm to be the owner of the mark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true.

_____
(Signature of member of firm)

Subscribed and sworn to before me this _____ day of _____, 19____.

_____
(Notary Public) (6)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

(See Forms 4.2 and 4.3)

4.6 Trademark application by a corporation; Principal Register.

Mark _____
(Identify the mark)
Class No. _____
(If known)

To the COMMISSIONER OF PATENTS:

_____
(Corporate name and State or country of incorporation) (11)
_____
(Business address, including street, city and State)
_____
(Situs of corporation, including street, city and State)

(Body of application form is same as Form 4.1)

State of _____ } ss.
County of _____ }

_____, being sworn, states that: he is _____
(Name of corporate officer) (Official title)

of applicant corporation and is authorized to execute this affidavit on behalf of said corporation; he believes said corporation to be the owner of the mark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true.

_____
(Signature and official title)

Subscribed and sworn to before me this _____ day of _____, 19__.

_____
(Notary Public) (6)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

(See Forms 4.2 and 4.3)

NOTE: (11) If applicant is an association or other collective group, the word "association" or other appropriate designation should be substituted for "corporation."

4.7 **Service mark application; Principal Register.**

Mark _____
(Identify the mark)

Class No. _____
(If known)

To the COMMISSIONER OF PATENTS:

(Insert appropriate identification of applicant in accordance with Form 4.1, 4.5 or 4.6.)

The above identified applicant has adopted and is using the service mark shown in the accompanying drawing (12) for _____
(Common, usual or ordinary name of service)

and requests that said mark be registered in the United States Patent Office on the Principal Register established by the act of July 5, 1946.

The service mark was first used in connection with the services on _____; was first used in the sale or advertising of services ren-
(Date)

dered in (3) _____ commerce on _____; and is
(Type of commerce) (Date)

now in use in such commerce.

The mark is used by _____

_____
(State method of using the mark in connection with the services)

and five _____ (13) showing the mark as actually used are presented herewith.

State of _____ } ss.
County of _____ }

(Insert appropriate verification from Form 4.1, 4.5 or 4.6 changing the word "goods" to "services".)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

(See Forms 4.2 and 4.3)

NOTES: (12) See Note (1), and if drawing is not practicable, insert description of the mark instead of reference to the drawing.

(13) Insert "specimens" or "facsimiles", or state the nature of the representation of the mark which is furnished.

4.8 **Collective mark application; Principal Register.**

Mark _____
(Identify the mark)
Class No. _____
(If known)

To the COMMISSIONER OF PATENTS:

(Insert identification of applicant in accordance with Form 4.6, changing "corporation" to "association," "cooperative," or other appropriate designation of the collective group or organization.)

The above identified applicant has adopted and is exercising legitimate control over the use of the collective mark shown in the accompanying drawing (1) for _____
(Common, usual or ordinary name of goods or services)
to indicate _____
(14) and requests that said mark be registered in the United States Patent Office on the Principal Register established by the act of July 5, 1946.

The collective mark was first used on the _____
_____
(Insert "goods" or "services")
by members of applicant on _____; was first used by said members in _____ (3) commerce on _____; and
(Date) (Type of commerce) (Date)
is now in use in such commerce.

The mark is used by applying it to _____ (5) and five specimens (13) of the mark as actually used are presented herewith.

State of _____ }
County of _____ } *ss.*

(Insert verification of § 4.6, changing "corporation" to "association," "cooperative," or other appropriate identification of the collective group or organization.)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT
(See Forms 4.2 and 4.3)

Note: (14) Insert "the goods of the members of applicant," "the services rendered by the members of applicant," "membership in applicant," or other appropriate statement.

4.9 **Certification mark application; Principal Register.**

Mark _____
(Identify the mark)
Class No. _____
(If known)

To the COMMISSIONER OF PATENTS:

(Insert appropriate identification of applicant in accordance with Form 4.1, 4.5 or 4.6.)

The above identified applicant has adopted and is exercising legitimate control over the use of the certification mark shown in the accompanying drawing (12) for _____ and requests that said mark be
(Insert "goods" or "services")
registered in the United States Patent Office on the Principal Register established by the act of July 5, 1946.

The certification mark is used by persons authorized by applicant to certify _____; (15) said mark was first used under the authority of applicant on _____; was first used in _____
(Date) (Type of commerce)
commerce on _____; and is now in use in such commerce.
(Date)

The mark is used by applying it to _____, (5) and five specimens showing the mark as actually used are presented herewith.

Applicant is not engaged in the production or marketing of any goods or rendering any services in connection with which the mark is used.

State of _____ } ss.
County of _____ }

(Insert appropriate verification from Form 4.1, 4.5 or 4.6, and add after the word "association" the words "other than those authorized by applicant.")

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

(See Forms 4.2 and 4.3)

NOTE: (15) Insert the appropriate statement that the mark certifies regional or other origin; material; mode of manufacture; quality; accuracy or other characteristic of the goods; or that the work or labor on the goods or in the performance of the services was performed by members of applicant.

4.11 Application to register on Supplemental Register.

Mark _____
(Identify the mark)
Class No. _____
(If known)

To the COMMISSIONER OF PATENTS:

(Insert appropriate identification of applicant in accordance with Form 4.1, 4.5 or 4.6.)

For application for trademark registration (16), use Form 4.1, 4.5 or 4.6, whichever is appropriate, changing the word "Principal" to "Supplemental", and adding a final paragraph in the application as follows:

"The mark sought to be registered has been in lawful use in _____
(Type of commerce)
_____ commerce in connection with the goods for the year preceding the date of filing of this application." (17)

State of _____ } ss.
County of _____ }

(Insert appropriate verification from Form 4.1, 4.5 or 4.6.)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

(See Forms 4.2 and 4.3)

NOTES: (16) Service mark, collective mark and certification mark applications on the Supplemental Register should conform to Form 4.7, 4.8 or 4.9, whichever is applicable, with the change and addition indicated herein.

(17) If the mark has not been in use for the year next preceding the filing date and registration in the United States is required as a basis for obtaining foreign protection of the mark, the following statement must be substituted for the last sentence: The mark sought to be registered is now in use in _____ commerce and domestic registration is required as a basis for foreign protection of the mark.

In this instance, applicant may be required to make a showing that U.S. registration is required as a basis of foreign protection of the mark.

4.13 Application for renewal.

Mark _____
(Identify the mark)
Reg. No. _____
Class No. _____

TO THE COMMISSIONER OF PATENTS:

(Insert appropriate identification of registrant in accordance with Form 4.1, 4.5 or 4.6.)

The above identified registrant requests that Registration No. ____ granted to _____ on _____ which he
(Name of original Registrant) (Date of issuance)
now owns as shown by records in the Patent Office (1) be renewed in accordance with the provisions of Section 9 of the Act of July 5, 1946.

The renewal fee is presented herewith. (2)

State of _____ }
County of _____ } *ss.*

_____
(Name of registrant or person authorized to sign for it)
being sworn, states that _____
_____
(Insert "he" or name of registrant)
owns Registration No. _____; that the mark shown therein is in use in _____ (3) commerce on each of the following goods recited
(Type of commerce)
in the registration _____, the attached specimen (or facsimile) showing the mark as currently used. (5)

_____
(Signature, and if a corporation or other organization, the official title)

Subscribed and sworn to before me this _____ day of _____, 19____.

_____
(Notary Public) (6)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT
(See Forms 4.2 and 4.3) (4)

NOTE: (1) If record title is not in the applicant for renewal, satisfactory showing of ownership must accompany the application.

(2) The fee for renewal sought prior to expiration is $25.00 for each class and for delayed renewal filed within three months after expiration, an additional $5.00 for each class.

(3) Type of commerce should be specified as "interstate," "foreign," "Territorial," or such other specified type of commerce as may be regulated by Congress. Foreign registrants must specify: "commerce with the United States."

(4) If applicant for renewal is not domiciled in the United States, a domestic representative must be designated. See Form 4.4.

(5) If the mark is not in use in commerce at the time of filing the application for renewal, but there is no intention to abandon the mark, sufficient facts must be recited to show that the nonuse is due to special circumstances which excuse the nonuse.

4.14 Affidavit for publication under section 12 (c).

Mark _____
(Identify the mark)
Reg. No. _____
Date of issue _____ ____
To: _____
(Name of original registrant)

State of _____ }
County of _____ } *ss.*

_____
(Name of registrant or person authorized to sign for it)

being sworn, states that _____ owns Registration
(Insert "he" or name of registrant)
No. ____, as shown by records in the Patent Office; (1) that said registration is now in force; that the mark shown therein is in use in_____
(Type of commerce)
(2) commerce on each of the following goods recited in the registration _____; and that the benefits of the Act of July 5, 1946 are hereby claimed for said registration.

_____
(Signature, and if a corporation or other organization, the official title)

(JURAT) (3)

POWER OF ATTORNEY OR AUTHORITY OF AGENT
(See Forms 4.2 and 4.3)

NOTES: (1) If record title is not in the person filing the affidavit, satisfactory showing of ownership must be made.

(2) Type of commerce should be specified as "interstate," "Territorial," "foreign," or such other specified type of commerce as may be lawfully regulated by Congress. Foreign registrants must specify "commerce with the United States."

(3) Use jurat from Form 4.1.

4.15 Affidavit required by section 8.

Mark _____
(Identify the mark)
Reg. No. _____
Class No. _____

State of _____ }
County of _____ } *ss.*

_____
(Name of registrant or person authorized to sign for it)
being sworn, states that _____ owns Registration
(Insert "he" or name of registrant)
No. ____ issued _____ (1) as shown by records in the
(Date)
Patent Office (2) and that the mark shown therein is still in use (3) as evidenced by _____. (4)

_____
(Signature, and if a corporation or other organization, the official title)

(JURAT) (5)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT
(See Forms 4.2 and 4.3)

NOTES: (1) If the registration issued under a prior act and has been published under section 12 (c), add: "and published under section 12 (c) on _____ _____".
(Date)

(2) If record title is not in the person filing the affidavit, satisfactory showing of ownership must be made.

(3) If the mark is not in use at the time of filing the affidavit, but there is no intention to abandon the mark, sufficient facts must be recited to show that the nonuse is due to special circumstances which excuse the nonuse.

(4) Insert "the attached specimen showing the mark as currently used"; or recite sufficient facts as to sales or advertising, or both, as to show that the mark is in current use.

(5) Use jurat from Form 4.1.

(6) The fee of $10 for each class should accompany affidavits for registration issued on or after October 25, 1965.

4.16 Affidavit under section 15. (a)

Mark _____
(Identify the mark)
Reg. No. _____
Class No. _____

State of _____ }
County of _____ } *ss.*

_____
(Name of registrant or person authorized to sign for it)
being sworn, states that _____ owns Registration
(Insert "he" or name of registrant)
No. ____ issued _____ (1) as shown by records in the Patent
(Date)
Office (2) that the mark shown therein has been in continuous use in _____
_____ (3) commerce for five consecutive years from
(Type of commerce)
_____ (4) to the present on each of the following goods recited
(Date)
in the registration: _____; that said mark is still in use in
(List of goods)
_____ commerce; that there has been no final decision
(Type of commerce)
adverse to registrant's claim of ownership of said mark, to (his) (its) right to register the same or maintain it on the register, and that there is no proceeding involving any of said rights pending and not disposed of either in the Patent Office or in the courts.

_____
(Signature, and if a corporation or other organization, the official title)

(JURAT) (5)

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT
(See Forms 4.2 and 4.3)

NOTES: (a) This form may be used as a combined affidavit under Sections 8 and 15, provided it contains sufficient facts as to sales or advertising, or both, as to show that the mark is in current use or is accompanied by a verified specimen showing current use of the mark.

(1) If the registration issued under a prior act and has been published under Section 12 (c), add: "and published under Section 12 (c) on _____."
(Date)

(2) If record title is not in the person filing the affidavit, satisfactory showing of ownership must be made.

(3) Type of commerce must be specified as "interstate," "Territorial," "foreign," or such other commerce as may be regulated by Congress. Foreign registrants must specify "commerce with the United States."

(4) The beginning of the five year period immediately preceding the filing of the affidavit, provided such date is subsequent to the registration under the act of 1946 or publication under Section 12 (c), as the case may be.

(5) Use jurat from Form 4.1.

4.21 Assignment of application.

State of _____ }
County of _____ } *ss.*

Whereas _____, of _____, has
Name of assignor) (Street, city, and State)
adopted and is using a mark for which he has filed application in the United States Patent Office for registration, Serial No. _____; and

Whereas _____, of _____, is
(Name of assignee) (Street, city, and State)
desirous of acquiring said mark;

Now, therefore, for good and valuable consideration, receipt of which is hereby acknowledged, said _____ does hereby assign unto the said
(Name of assignor)
_____ all rights, title and interest in and to the said mark,
(Name of assignee)
together with the good will of the business symbolized by the mark, and the application for registration thereof.

The Commissioner of Patents is requested to issue the certificate of registration to said assignee. (1)

_____
(Name of assignor)
By _____
(Official title)

Subscribed and sworn to before me this _____ day of _____, 19____.

_____
(Notary Public) (6)

NOTE: (1) In the event the legal identity of the assignee, the postal address, and if a corporation, the State of incorporation, does not appear in either the instrument or in the accompanying paper, issuance of the registration will be delayed pending the receipt of such information.

4.22 **Assignment of registration.**

State of _____ }
County of _____ } *ss.*

Whereas _____, of _____, has
(Name of assignor) (Street, city, and State)
adopted, used and is using a mark which is registered in the United States Patent Office, Registration No. _____, dated _____; and

Whereas _____ of _____, is
(Name of assignee) (Street, city, and State)
desirous of acquiring said mark and the registration thereof;

Now, therefore, for good and valuable consideration, receipt of which is hereby acknowledged, said _____ does hereby assign unto the said
(Name of assignor)
_____ all rights, title and interest in and to the said mark,
(Name of assignee)
together with the good will of the business symbolized by the mark, and the registration thereof, No. _____.

_____
(Name of assignor)
By _____
(Official title)

Subscribed and sworn to before me this _____ day of _____, 19____.

_____
(Notary Public) (6)

NOTE: If the postal address of the assignee is not given either in the instrument or in an accompanying paper, recording may be delayed pending receipt of such address.

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DEPARTMENT OF COMMERCE
UNITED STATES OF AMERICA